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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,067	12/03/2003	Sathya Prasad Mangalaramanan	60,680-652	4898

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EXAMINER
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SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,067	<b>Applicant(s)</b> MANGALARAMANAN ET AL.	
	<b>Examiner</b> George D. Spisich	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/3/03 &amp; 2/25/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of the Species shown in Figures 1-2 in the reply filed on February 24, 2006 is acknowledged. The traversal is on the ground(s) that the inventions must be independent or distinct as claimed and there must be a serious burden on the examiner. This is not found persuasive because the inventions with a different cable arrangement and mounting is distinct as is the type of mounting bracket. These distinctions create a burden on the Examiner for search and consideration.

The requirement is still deemed proper and is therefore made FINAL.

Claims 13-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 24, 2006.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 9 are unclear for the reason that they contradict the claims from which they depend, claims 1 and 7 respectively.

Claims 3 and 9 contradict independent claims 1 and 7 because the ends of the cables are claimed to be connected to the brackets in claims 1 and 7, and in claims 3 and 9, the said ends of the cables are claimed to be connected to "threaded ends" and these "threaded ends" are claimed to then be connected to the brackets, thereby contradicting the limitation in claims 1 and 7.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross et al. (USPUB 2001/0013693).

Ross et al. discloses a vehicle having first (11) and second (11') longitudinal rails extending substantially parallel to a longitudinal axis. First and second brackets (52) are coupled to the first and second frame rails respectively and a cable (106) is coupled

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(via a mechanical connection) at a first end to the first bracket and at a second end to the second bracket.

The cable is coupled "tautly" between the first and second brackets and the cable is generally transverse to the longitudinal axis.

With respect to the function of the cable device as a "torsion attenuator", the arrangement of Ross et al. is structurally the same as Applicant's claimed invention. The arrangement of Ross et al. would perform the same function as Applicant's invention to at least some degree and therefore would be called a "torsion attenuator".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Ressler (USPN 5,137,413) in view of Ross et al. (USPUB 2001/0013693).

Ressler discloses a vehicle having first and second longitudinal rails (14) extending substantially parallel to a longitudinal axis. A cable (62) is coupled tautly to the rails and extends generally transverse to the longitudinal axis. The cable is connected to a vertically extending "bracket" on the left rail (which also includes a

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winch) although it is not shown that the cable is attached to the right rail with a bracket, it is attached to the rail in the same orientation as on the left rail.

Ross et al. discloses a connection of a tension cable to a side rail of a vehicle with a bracket (52). This is a basic and well known element to connect two members.

It would have been obvious to connect the right cable to the right rail of Ressler by means of a bracket as taught by Ross et al. as it would provide a basic and sturdy connection of the cable to the side rail. The arrangement of the bracket of Ross et al. to remain consistent with the orientation of the cable and rail already shown in Ressler would be to provide the bracket such that it extends in a direction substantially vertical to the longitudinal axis.

With respect to the function of the cable device as a "torsion attenuator", the arrangement of Ressler in view of Ross et al. is structurally the same as Applicant's claimed invention. The arrangement of Ressler in view of Ross et al. would perform the same function as Applicant's invention to at least some degree and therefore would be called a "torsion attenuator".

### ***Allowable Subject Matter***

Claims 7,8 and 10-12 are allowed.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (USPN 4,976,417), Spence (USPN 4,289,214), Tatsumi et al. (USPUB 2002/0140220), Parker et al. (USPN 5,836,598), Zetterstrom (USPN 6,398,451), Kolbe (USPN 3,879,051).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich  
May 12, 2006



PAUL N. DICKSON  
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